

**Minutes  
HEARING OFFICER  
NOVEMBER 18, 2003**

**Minutes of the regular meeting of the Hearing Officer, of the City of Tempe which was held at the Council Chambers, 31 East Fifth Street, Tempe, Arizona.**

**Present:**

Steve Venker, Planning & Zoning Manager (who at this meeting acted as Hearing Officer)  
Steve Abrahamson, Planner II  
Sherri Lesser, Planner II  
Jon Christopher, Planner I

**Absent:**

None

**Number of Interested Citizens Present:** 23

**Meeting convened at 1:30 PM and was called to order by Steve Venker.**

Steve Venker approved the Hearing Officer minutes for the November 4, 2003 meeting.

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**Steve Venker noted that the following case had been withdrawn by the applicant:**

**BA030256** Request by **POOCHES IN PARADISE** for a variance to reduce the required number of parking spaces from 45 spaces to 41 spaces located 212 West Lodge Drive in the I-1, Light Industrial District.

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**Steve Venker took action on the following cases:**

**BA030244** Request by **RHYTHM SECTION INC. d.b.a. CLUB TATTOO** for a use permit to allow tattooing, body piercing and clothing retail located at 825 South Rural Road in the C-2, General Commercial District.

Mr. Sean Dowdell was present to represent this case.

Approved subject to the following conditions:

1. All conditions of the Tempe Design Review Board/Staff shall be adhered to.
2. If there are any complaints arising from the uses herein permitted that are verified by a consensus of the complaining party and the city attorney's office, the use permit maybe returned to the Board of Adjustment and another public hearing set to re-evaluate the use permit.
3. Practitioners must have training in blood-borne pathogens and cross-contamination.
4. Applicant must post and provide to customers, upon request, written instructions on tattoo and/or body piercing care.
5. Public restrooms shall be located in such a way so that traffic to the restrooms does not occur in any area in which instruments are sterilized or in any area which tattoo or body piercing operations are conducted
6. This use permit is valid for the plans and operations as submitted to and approved by Hearing Officer.
7. The use permit is valid for **CLUB TATTOO** and may be transferable with approval from the Board of Adjustment staff.

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**BA030252** Request by **LANDIS CYCLERY PLAZA - CURVES FOR WOMEN OF TEMPE SOUTH** for a use permit to allow a fitness facility located at 1006 East Warner Road, Suite 111 in the PCC-1, Planned Commercial Center District.

Ms. Margaret Baldwin was present to represent this case.

Approved subject to the following conditions:

1. The use permit is valid for Curves for Women and may be transferable with approval from the Board of Adjustment staff.
2. Any expansion or intensification of the use shall require a new use permit to be approved.
3. Business signs shall be Design Review approved and permits obtained.
4. All required permits and clearances shall be obtained from Building Safety Division prior to tenant improvements.

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**BA030253** Request by **LO CASCIO ITALIAN RESTAURANT** for a variance to reduce the required front yard setback from 15 feet to 4 feet to allow a 300 s.f. outdoor patio located at 2210 North Scottsdale Road in the C-1 Neighborhood Commercial District.

Mr. Giovanni Lo Cascio was present to represent this case.

Approved subject to the following conditions:

1. All prior Board of Adjustment/Hearing Officer/Design Review conditions of approval shall apply.
2. Any variances or use permits not specifically requested by the applicant at this time will require separate processing.
3. All permits and clearances required by the Building Safety Division shall be obtained prior to the variances becoming effective.

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**BA030254** Request by **UNITED AUTO GROUP d.b.a. TEMPE HONDA** for a variance to waive the required landscape islands in the vehicle storage yard at the rear portion of the site located at 8010 South Autoplex Loop in the I-1, Light Industrial and Southwest Overlay Districts.

Mr. Rich Montague was present to represent this case.

Approved subject to the following conditions:

1. All conditions of the Tempe Design Review Board/Staff shall be adhered to.
2. Any variances not specifically requested by the applicant at this time will require separate processing.
3. Applicant must submit a landscape plan to Design Review Staff for approval.

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**BA030255** Request by **T-MOBILE USA** for a use permit to allow a 55 feet tall antenna (palm tree structure) monopole at ASU's Karsten Golf Course located at 1117 East Rio Salado Parkway in the I-1/Light Industrial, I-2/General Industrial and Rio Salado Overlay Districts.

Ms. Terry Quinn was present to represent this case.

Approved subject to the following conditions:

1. Obtain Design Review approval prior to the use permit becoming effective.
2. Obtain all permits and clearances required by the Building Safety Division prior to the use permit becoming effective.
3. Any variances or use permits not specifically requested by the applicant at this time will require separate processing.
4. The use permit is valid for the plans and business operation as submitted to and approved by the Hearing Officer/Board of Adjustment.
5. The cellular tower assembly shall be removed within 30 days of discontinuance of the tower's use.
6. Any intensification or expansion of this use shall require that a new use permit be applied for and obtained.

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**BA030257** Request by **CVS/PHARMACY** for the following located at 885 East Elliot Road in the C-1, Neighborhood Commercial and Southwest Overlay Districts:

- a. Variance to increase the maximum allowable sign area from 80 s.f. to 216 s.f.
- b. Variance to allow one freestanding multi-tenant identification sign on each street frontage.

Mr. Kyle Bach was present to represent this case.

Approved subject to the following conditions:

1. All conditions of the Tempe Design Review Board/Staff must be adhered to.
2. Sign illumination details (if any) shall comply with the Dark Sky Ordinance.
3. All permits and clearances required by the Building Safety Division shall be obtained prior to the variances becoming effective.
4. Any variances or use permits not specifically requested by the applicant at this time will require separate processing.

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**BA030258** Request by **PURE FITNESS PLAZA – KORE BIKE INDUSTRIES LLC** for a use permit to allow a custom bike retail and service center located at 1126 North Scottsdale Road in the I-1, Light Industrial and Rio Salado Overlay Districts.

Mr. William Cowling was present to represent this case.

Approved subject to the following conditions:

1. The use permit is valid for Kore Bike Industries and may be transferable with approval from the Board of Adjustment staff.
2. Any expansion or intensification of the use shall require a new use permit to be approved.
3. Business signs shall be Design Review approved and permits obtained.
4. All required permits and clearances shall be obtained from Building Safety Division prior to tenant improvements.
5. If there are any complaints arising from the uses herein permitted that have been verified by a consensus of the complaining party and the City Attorney's office, and that cannot be resolved between the complaining party and the applicant, the case may be returned to the Board of Adjustment and another public hearing set to re-evaluate the use permit.

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**BA030259** Request by the **COONS-STOUT RESIDENCE** for the following to allow a new garage addition located at 1205 South Wilson Street in the R-2, Multi-Family Residential District:

- a. Variance to reduce the south side yard setback from 10 feet to 4 feet.
- b. Variance to reduce the rear yard setback from 15 feet 0 inches to 1 foot 6 inches.
- c. Variance to reduce the eave projection setback from 3 feet to 1 foot.

Ms. Tessa Odenwald and Ms. Valerie Stout were present to represent this case.

Approved subject to the following conditions:

1. Any variances or use permits not specifically requested by the applicant at this time will require separate processing.
2. Variances are valid for plans as submitted within this application.
3. Obtain clearances and permits from the Building Safety Division of the Development Services Department.

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**BA030260** Request by **ATOMIC SUBWAY** for a use permit to allow a restaurant located at 1340 East Broadway Road, Suite 101 in the C-2, General Commercial District.

As there was no applicant present to represent this case, the Hearing Officer, Steve Venker, continued this case to the December 2, 2003 Hearing Officer meeting..

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**BA030262** Request by the **HIRKO RESIDENCE** for the following located at 617 West 17<sup>th</sup> Place in the R1-6, Single Family Residential District:

- a. Use permit to allow a second story addition.
- b. Variance to reduce the east side yard setback from 7 feet to 1 foot to allow a garage expansion.

Ms. Jennifer Collins was present to represent this case.

**OPPOSITION:**

Ms. Myrna Morgan, of 535 West 16<sup>th</sup> Street, Tempe, Arizona 85281 objected to the second story addition. She noted that she was representing Ms. Jackie Ensign, an out-of-state resident who owned property near the applicant.

**DECISION:**

Steve Venker, acting as Hearing Officer, approved this case based on four conditions of approval and noted that there is a period of seven (7) days should anyone wish to appeal this decision.

Approved subject to the following conditions:

1. All permits and clearances required by the Building Safety Division shall be obtained prior to construction.
2. The second story addition shall be compatible with the principal residence in color, form, texture and material.
3. The variance is valid for the plans as submitted to and approved by the Hearing Officer.
4. No glazing shall be permitted on either the east or west elevations of the second addition.  
**(ADDED BY HEARING OFFICER)**

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### **REDEVELOPMENT REVIEW CASES**

- RRC03052** Request by **WELLS FARGO HOME MORTGAGE AT PAPAGO HILLS** for the following located at 1150 West Washington in the I-1, Light Industrial and Rio Salado Overlay Districts:
- a. Variance to reduce the required bike parking from 170 spaces to 85 spaces.
  - b. Variance to waive the required parking screen walls along the Center Parkway frontage and adjacent to Priest Drive between the north and south driveway entrances for a total of approximately 770 lineal feet. This variance pertains to the Wells Fargo site only

Mr. Paul Rosen was present to represent this case.

Approved subject to the following conditions:

1. A valid building permit shall be obtained and substantial construction commenced **on or before November 18, 2004** or the variances shall be deemed null and void.
2. Variances valid for plans dated October 30, 2003.

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- RRC03053** Request by **MARGARITA ROCKS INC. d.b.a. BELLY UP** for a use permit to allow a restaurant and bar with live entertainment and outdoor patio located at 404 South Mill Avenue, Suite 101 in the CCD, Central Commercial District.

Mr. Brett Carr was present to represent this case.

Approved subject to the following conditions:

1. The use permit is valid for the Belly Up and may be transferable with approval from the Board of Adjustment Staff.
2. This use shall not violate the City of Tempe Smoking Ordinance.
3. This use shall not violate the City of Tempe Noise Ordinance.
4. No outdoor speakers are allowed.
5. The applicant shall devise a modified security plan in conjunction with the Police Department officials. Contact Roger Austin (480-858-6341) prior to the use permit(s) becoming effective.
6. Obtain Design Review approval for new outdoor patio area.
7. Obtain necessary clearances from the Building Safety Department.

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The next Hearing Officer meeting will be **December 2, 2003**.

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**There being no further business the meeting adjourned at 2:01 PM.**  
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Prepared by: Diane McGuire, Administrative Assistant II

Reviewed by:

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Steve Venker  
Planning & Zoning Manager/Hearing Officer

SV:dm